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Attorneys for Plaintiffs  
SHERRILL FOSTER, HOWARD FOSTER,  
SHEILA BURTON, and MINNIE BURTON

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SHERRILL FOSTER, HOWARD FOSTER, SHEILA BURTON, and MINNIE BURTON,	) No. C-07-5445-WHA
	)
Plaintiffs,	) <b>ADMINISTRATIVE MOTION FOR</b>
	) <b>CONTINUANCE OF HEARING AND</b>
v.	) <b>DEADLINES RE: DEFENSE MOTION TO</b>
	) <b>DISMISS TO SEPTEMBER 25, 2008;</b>
	) <b>DECLARATION OF COUNSEL</b>
SHANNON EDMONDS, LORI TYLER, and	)
DOES 1-100,	) [Jury Trial Demanded]
	)
Defendants.	)
_____	)

PLEASE TAKE NOTICE that Plaintiffs SHERRILL FOSTER, HOWARD FOSTER,  
SHEILA BURTON, and MINNIE BURTON, by and through counsel, pursuant to Civil Local  
Rules (Civil LR), Rule 3-12(b), hereby move this Court as follows:

FOR CONTINUANCE OF HEARING AND DEADLINES RE: DEFENSE MOTION  
TO DISMISS TO SEPTEMBER 25, 2008

**DISCUSSION**

On about December 7, 2005, against CHRISTIAN DANTE FOSTER [the adult son of  
Sherrill Foster and Howard Foster] and RASHAD LARON MORRIS WILLIAMS [the adult son

1 of Sheila Burton and grandson of Minnie Burton] were killed by Shannon Edmonds in the  
2 County of Lake. Edmonds and his then-fiancé, Lori Tyler, were never charged with the brutal  
3 murders of Christian and Rashad.

4 There are two remaining, named defendants: Lori Tyler and Shannon Edmonds. On  
5 Friday, August 8, 2008, Defendant Edmonds caused to be filed a motion to dismiss; the hearing  
6 on that motion was set for September 18, 2008. On August 10, 2008, counsel for Plaintiffs met  
7 and conferred with counsel for Edmonds as follows:

8 mr. o'Neill:

9 please consider this to be plaintiffs' meet and confer over your motion filed 08/08/2008.  
10 you did not provide the required notice of 35 days. you gave only 34 days' notice. also,  
11 even if timely, i am not available on 09/18/2008.

12 i am available at this juncture on 09/25/2008.

13 therefore, i suggest we agree to a date of 09/25/2008, with all papers due based on the  
14 new hearing date. please let me know your thoughts as soon as possible, but no later than  
15 08/12/2008, so i may take appropriate action.

16 thank you in advance. [Exhibit 1 attached hereto].

17 Counsel for Edmonds has never responded to the request by Plaintiffs' counsel.

18 On Thursday, August 14, 2008, Defendant Tyler caused to be filed her own motion to  
19 dismiss. Said hearing is on September 25, 2008, and the opposition is due September 4, 2008.

20 There are now substantially similar motions set for two hearings, on two different dates,  
21 in the same case; and, there are two, separate opposition dates.

22 In the interest of judicial economy and because Plaintiffs' counsel remains unavailable on  
23 September 18, 2008, it makes sense to have all hearings on September 25, 2008, and all filing  
24 deadlines be set around one date, September 25, 2008.

25 ///

Therefore, Plaintiffs request the two hearings take place on September 25, 2008, and that all filing deadlines be set around one date, September 25, 2008. This would mean that Plaintiffs' oppositions would be due on September 4, 2008, and both replies due September 11, 2008.

Date: August 18, 2008

/s/Russell A. Robinson

By: Russell A. Robinson  
Law Office of Russell A. Robinson, APC  
Counsel for Plaintiffs  
SHERRILL FOSTER, HOWARD FOSTER, SHEILA  
BURTON, and MINNIE BURTON

### DECLARATION

I, Russell A. Robinson, hereby declare as follows:

1. I am an attorney licensed to practice before all Courts in this State and admitted to practice in the Northern District of California. The below true and correct facts are based on my own personal knowledge, except facts stated as based on information and belief; as to facts so stated, I believe these to be true.

2. I am counsel of record for the plaintiffs in this case.

3. I am informed and believe that on Friday, August 8, 2008, Defendant Edmonds caused to be filed a motion to dismiss; hearing on that motion was set unilaterally for September 18, 2008. On August 10, 2008, I met and conferred with Edmonds' counsel as follows:

mr. o'Neill:

please consider this to be plaintiffs' meet and confer over your motion filed 08/08/2008. you did not provide the required notice of 35 days. you gave only 34 days' notice. also, even if timely, i am not available on 09/18/2008.

i am available at this juncture on 09/25/2008.

therefore, i suggest we agree to a date of 09/25/2008, with all papers due based on the new hearing date. please let me know your thoughts as soon as possible, but no later than 08/12/2008, so i may take appropriate action.

thank you in advance. [Exhibit 1 attached hereto].

4. Counsel for Edmonds has never responded to my request.

1           5.       On Thursday, August 14, 2008, I am informed and believe that Defendant Tyler  
2 caused to be filed her own motion to dismiss. Said hearing is on September 25, 2008, and the  
3 opposition is due September 4, 2008.

4           6.       There are now substantially similar motions set for two hearings, on two different  
5 dates, in the same case; and, there are two, separate opposition dates. In the interest of judicial  
6 economy and because I remain unavailable on September 18, 2008, it makes sense to have all  
7 hearings on September 25, 2008, and all filing deadlines be set around one date, September 25,  
8 2008. This would mean that Plaintiffs' oppositions would be due on September 4, 2008, and  
9 both replies due September 11, 2008.

10           I, Russell A. Robinson, hereby declare under penalty of perjury and under the laws of the  
11 State of California, that the above is true and correct.

12  
13 Date: August 18, 2008

/s/Russell A. Robinson

By: Russell A. Robinson  
Law Office of Russell A. Robinson, APC  
Counsel for Plaintiffs  
SHERRILL FOSTER, HOWARD FOSTER, SHEILA  
BURTON, and MINNIE BURTON